

1 McGREGOR W. SCOTT
United States Attorney
2 BOBBIE J. MONTOYA
Assistant U. S. Attorney
3 501 I Street, Suite 10-100
Sacramento, CA 95814-2322
4 Telephone: (916) 554-2700
Fax: (916) 554-2900
5 CARYN L. GOOT
Special Assistant U.S. Attorney
6 333 Market Street, Suite 1500
San Francisco, CA 94102
7 Telephone: (916) 977-8943
8 Fax: (415) 744-0134
Attorneys for Defendant

9
10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE EASTERN DISTRICT OF CALIFORNIA

12 KELLY D. WHITTENBURG,

13 Plaintiff,

14 v.

15 JO ANNE B. BARNHART,
16 Commissioner of
Social Security,

17 Defendant.
18

CASE NO. **2:05-CV-00733-DAD**

STIPULATION AND ORDER
SETTLING ATTORNEY'S FEES
PURSUANT TO THE EQUAL
ACCESS TO JUSTICE ACT
(EAJA)

19 It is stipulated by the parties through their undersigned
20 counsel, with the Court's approval, that counsel for Plaintiff be
21 awarded attorney's fees under the Equal Access to Justice Act (EAJA)
22 in the amount of FOUR THOUSAND AND 00/100 DOLLARS (\$4,000.00), for
23 compensation for legal services rendered on Plaintiff's behalf,
24 pursuant to 28 U.S.C. § 2412(d), thereby constituting a compromise
25 settlement for all fees under the EAJA in this action, but not
26 constituting any admission of Defendant's liability under the EAJA
27 in this action.
28

1 Payment of the amount specified above shall constitute a
2 complete release from and bar to any and all claims of Plaintiff's
3 counsel relating to EAJA fees in connection with this action,
4 without prejudice to any future request for fees under the Social
5 Security Act, 42 U.S.C. § 406(b).

6 The parties further stipulate that Plaintiff's counsel shall
7 return to Defendant's counsel, and Defendant's counsel shall retain,
8 a facsimile of this stipulation bearing counsel's signature, and
9 that Defendant shall e-file the document pursuant to applicable
10 local rules.

11
12 DATED: June 9, 2006

/s/ Harvey P. Sackett

HARVEY P. SACKETT

Attorney at Law

Attorney for Plaintiff

15 DATED: June 12, 2006

McGREGOR W. SCOTT

United States Attorney

BOBBIE J. MONTOYA

Assistant U. S. Attorney

18 By: /s/ Bobbie J. Montoya for

CARYN L. GOOT

Special Assistant U. S. Attorney

Attorneys for Defendant

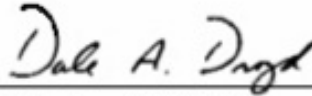
21 OF COUNSEL
22 LUCILLE GONZALES MEIS
23 Chief Counsel, Region IX
24 U.S. Social Security Administration
25
26
27
28

ORDER

Counsel for Plaintiff is hereby awarded attorney's fees pursuant to the Equal Access to Justice Act in the amount of \$4,000.00, pursuant to the stipulation of the parties.

APPROVED AND SO ORDERED.

DATED: June 20, 2006.



DALE A. DROZD

UNITED STATES MAGISTRATE JUDGE

Ddad1/orders.socsec/whittenburg0733.stipord.attyfees